

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF**

75-7461

B

... ALBERT
... Pryor
(Appellant)
Briefs



75-7461

Court of Appeal
United States Court of Appeal

Albert Pryor
-v- (plaintiff - Appellant)

MERCURY Recording Co. (known now as
Phonogram Recording Co.) and the Ohio
Players (defendants - Appellee)

From the case filed at United States
Southern District Court 75 CIV 2878
(Albert Pryor - Plaintiff)

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Statement
of
the case

Albert Pryor

Plaintiff-Appellant

-V-

Mercury Recording Co. (Known Now as

Phonogram Recording Co.) and

The Ohio Players

Defendants-Appellee

Appeal of case

75 Civ 2878 Filed

In United States Southern

District Court by

Hon. W. Knapp

With the knowledge of the law with which I intend to defend this case with, and with the knowledge that skill or ability has no bearing on the matter of facts of the relevant issue of the case.

And that the contraries hold to be true that the lack of skill and/or ability does not justified the fact that of the issue with every possible means to be presented in the best manner.

With the understanding of the court seeing that this Brief is handwritten I will limit the pages. (To rule out any incorrect grammar, spelling and/or handwriting errors)

In stating the reasons I filed the original complaint against Mercury recording company (Known now as phonogram recording inc.) and Ohio players are:

- ① Social injustice which was and still is occurring in the manner of ostracism from old acquaintances. Degrading and indecent behavior on the part of new acquaintances once they become aware of my name.

② the direct application of the fact may be seen by the acquaintances who have socialize with my wife who is from ohio and has living relation in ohio, and who has travel to ohio on different occasion.

③ by bring the matter to court to be heard it was my intend to prevent the social Injustice, which was occurring to me to a halt. In that I could move about in society with affluent and ease as anyman.

④ the sum of money request, I request with possible of some agreement could be made, But with the intentions that it would cover the social Damage done to me by the record in question. Along with the social upgrading the money would bring about.

With respect for the Honorable Judge W. Knapp opinion #42905, I feel that the court did not fully hear the matter, mainly because the strength of case was with the oral argument which I plan to state in court, in manner of stating examples (not just one example) of direct application of matter of fact in this issue.

And the example that I gave was not the best example I could have given because when I first approached the bench (where the Judge sat) I requested an adjournment and I started stating my reasons for adjournment

(A) that the lawyer I requested was not present, later I found out it was necessary for me to defend myself in this matter

(B) That summary judgement at that time was not to the benefit of all parties concerned in the matter, because on my part (plaintiff) that the defendants lawyers could not be located.

The Hon. W. Knapp overlooked my request for adjournment and acted upon the summary judgement which was written by the representative of the defendants and the amendment of original filed which I (plaintiff) had written but which needed some correction.

Any other court appears other than the one on July 24, 1975 I am not aware of.

Reason for
requesting an
appeal

With the understanding of the informality of the Court, that the informal Example which I gave in Court on July 24, 1975 was a minor Example of the direct application of effect which the record in question has brought about. Which contradict the defendants denying of complaint, and which was the strength of their request for Dismissal in their Summary Judgement

That disbelieve of Hon. Knapp of my minor Example is what cause the complaint to be Dismiss. But it is my contention to prove that social injustice is cause by the effect of the record in question (I could not request of the Hon. W. Knapp nor any other Judge to socialize with me to see effect of the record in question)

We can not assume anything But we can preassume something as to the advise of the representative of defendants, in their denying the act of publication, and main reasons I requested the present of the defendants is to show cause and/or reasons why the use of my name would be used in such slander and libelous way, to thoroughly examine the matter.

That phonetic similarity exist within the social life which I (plaintiff) move about in, and the fact that the people in the social life are not aware of the written form of the record in question and thereby not influence by the written words of the record in question (as I was before the representative of defendant send a copy of the written form of the record in question)

THE fact that I did not state that
my name was song alternatively with "Sire"
But that my name is use and refer to
IN Skander and libelous ways and the
Effects of this act of publication
Cause undue Social pressure that,
I believe, which is the real issue of
THE case, the remedy of the said Social
Injustice

Summary

With the intention to serve God and to serve justice, I bring this matter to the court of Appeal

With all due respect for the Hon. W. Knapp Opinion # 47905 and Judgement handed down on Aug. 7, 1975 with application to case 75 Civ 2878, So that truth, God and justice will rule in this case, and with the understanding that correction not made then can be made now.

That the Social Life which is being destroyed by effect of this record (Fire) in question is the issue, that the defendants failed to prove that I do not have direct application, along with the fact they have committed an act of publication.

The Detail of Examples of which I have been a victim of can be brought out in court. Seeing that the complaint which I filed and am filing are handwritten to rule out any error that might occur (grammar, spelling and/or understanding of handwriting) With all parties concern in the matter present (representative of defendant may not aware of certain situation which might be brought out in present of a third party) Including the Model who posed for their record Sacket.

That with the limits of the law and absolute extend of the law, I state that a thorough examination in court be made of all said facts and facts to be stated and shown are valid reasons for this appeal of this matter, and above all God, justice and truth will be served.

Respectfully
Albert Pryor

